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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/815,074

03/31/2004

Stephen R. Lawrence

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EXAMINER

TIMBLIN, ROBERT M

ART UNIT

PAPER NUMBER

2167

MAIL DATE

DELIVERY MODE

01/16/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/815,074	Applicant(s) LAWRENCE ET AL.	
	Examiner ROBERT TIMBLIN	Art Unit 2167	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 January 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: _____.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/John R. Cottingham/
Supervisory Patent Examiner, Art Unit 2167

/ROBERT TIMBLIN/
Examiner, Art Unit 2167

Continuation of 11. does NOT place the application in condition for allowance because:

In response to arguments addressing the claim objections, Examiner is persuaded and respectfully removes those objections

On pages 10-17 of the reply (specifically on pages 10-11), Applicant highlights three key features of the present invention and submit that the references fail to teach these features. These features are detailed (1)-(3) on the bottom of page 11. Examiner respectfully disagrees with these arguments as provided from the rationale in the final rejection (pages 17-20) dated 11/18/2008.

Examiner further maintains that Barrett teaches a merged query result as seen in figure 2. For example, Barret shows multiple queries Q1-Q4 each retrieving information A-D. Also, as can be seen from this figure, an information piece (e.g. Information A) can be retrieved for each query Q1-Q4 (i.e. which can also be seen as a merged query result for the query family). In other words, each query retrieves information A and thus a plurality of information (results) are retrieved for the queries. This can also be apparent in Barrett's paragraph 0047 wherein they teach "if the query "Tylenol" returned Eckerd's and "acetaminophen" also returned Eckerd's, it may be assumed that the queries are related." Here, Barrett discloses a plurality of queries ("Tylenol" and "acetaminophen") retrieving Eckerd's for each query (i.e. plurality of search results). The Examiner submits that another example of a plurality of queries retrieving a plurality of search results can be seen from this paragraph (0047). For instance, Barrett's system may take a query "California red wine" and parse it into multiple queries "California wine" or "red wine" to describe a plurality of queries. Barrett teaches presenting the merged query result (0010) by stating that search results are returned to the user based on ranking associated with the index (i.e. figure 2). Even more so, a read on Barrett can enable one to construe that multiple queries are gained and a merged query result is returned. For example, a user of Barrett can issue a query (e.g. figure 1) and obtain search results. Barrett discloses this process can be repeated by indicating a rank for future results (e.g. 0013 and abstract; i.e. results to another query given in the future). In this interpretation, one of skill in the art would understand that as results are refined, future queries from future users (i.e. multiple queries) would yield results in a merged query result that are ranked accordingly to, for example, a popularity score. Such teachings would be beneficial to Barrett when determining accurate relevancy results from user searches is deemed important (e.g. as disclosed by Barrett, 0041). In response to the arguments, Examiner respectfully submits that the broad recitation of "receiving a plurality of query results of a plurality of search queries" in that the timing of receiving the queries and results (e.g. are the queries received at the same time from one user or different times from multiple users?) lead the claim to such interpretations as given above.

Applicant further argues that Barrett does not teach the limitations of claims 13 and 14 including increasing and varying a refresh rate. Examiner respectfully disagrees as given in the rationale from page 19 of the final Office Action (11/18/2008). Further Examiner submits that the user's interest determines the results to climb rapidly (e.g. paragraph 0039) and therefore describes the varying of the presentation of search results. With this, the user's behavior (e.g. clicks) updates results by either promoting them or demoting them.

In accordance with the above, Examiner maintains all rejections.